THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.18692 OF 2005

Dated 29-08-2005

Between:

V.Mallaiah, S/o.Ganganna,

Aged about 41 years,

Occ:Ex-Driver, E.No.410656,

R/o.Edigapally Village,

Takkireddypally Mandal,

Kadapa District.

…Petitioner

AND

The A.P. State Road Transport Corporation,

rep. by its Managing Director,

Musheerabad, Hyderabad-20, and 2 others.

…Respondents

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.18692 OF 2005

ORDER:

The petitioner was initially appointed as Driver in the A.P.S.R.T.C. on 23-05-1996. During the course of verification of the genuinity of the Driving Licence, it was found that the Licence produced by him was not genuine. Therefore, he was removed from service in the year 1997.

The respondents-Corporation framed a Scheme, through Circular No.PD-43/00, dated 11-08-2000, whereunder such of the Drivers, who are removed from service,

on the ground that the Driving Licences filed by them were not genuine, were given an opportunity to apply afresh, on or before 27-11-2001, in case they obtain fresh Driving Licences, in the meanwhile. Petitioner states that he obtained a fresh Driving Licence and submitted the same along with an application, within the stipulated time.

The petitioner filed W.P.No.7131 of 2005, complaining that his application, under the Scheme, was not considered. The writ petition was disposed of, on 01-04-2005, directing the respondents to consider the application of the petitioner. The respondents, in turn, issued an order dated 19-05-2005, stating that the petitioner did not submit any application, at all. This writ petition is filed challenging the order dated 19-05-2005, and seeking a direction to the respondents herein to consider the application in accordance with the Scheme.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents.

The Scheme, framed through Circular No.PD-43/00, dated
11-08-2000, enabled the petitioner to submit application for fresh recruitment, in case he obtains another Driving Licence. The petitioner asserts that he submitted the application. However, when it comes to the question of proof of submission of the application, he states that he lost the acknowledgement, due to floods in his native place. It is rather difficult to believe the same. When the respondents have categorically stated that the petitioner did not file any application, at all, it is for the petitioner to disprove it, by filing necessary documents. The Scheme was formulated to meet certain special circumstances, and it is time-bound. It cannot be operated after the expiry of the date, stipulated therein. Therefore, no exception can be taken to the order passed by the respondents.

During the course of arguments, it had emerged that the Corporation is engaging Drivers on Contract basis. In case the petitioner possesses a valid Driving Licence,

his case can certainly be considered, depending on the need.

Therefore, the writ petitioner is disposed of, directing that, as and when any Drivers are engaged, on contract basis, the case of the petitioner shall be considered, along with other eligible candidates. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.29-08-2005

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